IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE THOTTATHIL B.RADHAKRISHNAN

MONDAY, THE 5TH MARCH 2007 / 14TH PHALGUNA 1928

WP(C).No. 32197 of 2006(G)

PETITIONER:

A.R.SIVADASAN,
AIYINIPULLY HOUSE, LOKAMALLESWARAM,
SREE NARAYANA PURAM, KODUNGALLUR.

BY ADV. SRI.M.C.JOHN

RESPONDENTS:
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1. THE TAHSILDAR (REVENUE RECOVERY),
KODUNGALLUR.

2. THE WELFARE FUND INSPECTOR,
TODDY WORKERS' WELFARE FUND BOARD,
THRISSUR.

BY GOVT.PLEADER ANU SIVARAMAN

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 05/03/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

APPENDIX

Petitioner's Exhibits

Ext.P1: True copy of the R.R. Notice No.B5-209/2002 dated 22-1-2003 issued by the 1st respondent

Ext.P2: True copy of the judgment dated 9-1-2006 in W.P.(C) No.18266/2003

Ext.P3: True copy of the notice No.B5-209/2005 dated 4-3-2006 issued by the ist respondent

Ext.P4 : True copy of G.O (Rt) No.744/2005/LBR dated 28-3-2005

Ext.P5: True copy of the notice No. A3/KDR/1-86/1999-2000/203 dated 6-4-2006 issued by the 2nd respondent

/True copy//

THOTTATHIL B.RADHAKRISHNAN.J

W.P(C) No. 32197 of 2006

Dated this the 5th day of March 2007

JUDGMENT

The petitioner moved this Court, leading to Ext.P2 judgment wherein there was a direction as regards the manner of recovery. Following that, Ext.P3 notice was issued by the 1st respondent determining that the petitioner is liable to pay contribution towards the welfare fund and also to pay interest as determined in that notice. The fact that Ext.P4 order was issued by the Government on account of certain appeals filed by certain occupiers does not affect in any manner the case of the petitioner which stand concluded by Ext.P2 judgment. Under such circumstances the mere issuance of Ext.P5 following Ext.P4, though it is addressed to the petitioner also, does not further improve the case of the petitioner. Hence the petitioner is bound to pay the amount covered by Ext.P3 subject to any entitlement or any restitution on the basis of any decision that may be taken following Ext.P5 which again may give a cause of action for the petitioner to sue the others before the competent courts for recovery. In the aforesaid circumstances

I do not find any grounds to sustain the challenge against Ext.P3 order or to issue any direction regarding the re-determination . This writ petition fails. Dismissed.

THOTTATHIL B.RADHAKRISHNAN.JUDGE

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